

STATE OF NEW YORK  
COUNTY COURT : COUNTY OF ERIE

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THE PEOPLE OF THE STATE OF NEW YORK,  
Respondent

**AFFIDAVIT**

Indictment No.  
97-1542-001

-VS-

CORY EPPS,

Defendant

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STATE OF NEW YORK )  
COUNTY OF ERIE ) ss:  
CITY OF BUFFALO )

LAWRENCE M. SCHWEGLER, being duly sworn, deposes and states the following:

1. I am an Assistant District Attorney, appearing of counsel to FRANK J. CLARK, District Attorney of Erie County, and have been so employed continuously since 1987.

2. I was the trial attorney who prosecuted the trial of People v. Cory Epps (97-1542-001) on behalf of the People in Erie County Court Part 2 during April 1998, before Hon. Joseph P. McCarthy.

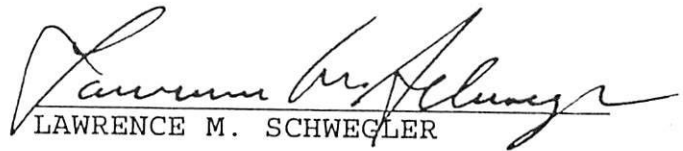
3. I first became aware of the names Russell Montgomery and Constance Ferguson in relation to the Epps case post-conviction, during an oral argument made by defendant's attorney on June 2, 1998.

4. Based on an anonymous letter addressed to defendant's attorney this Court ordered an adjournment in sentencing.


5. After reviewing a copy of this letter, I faxed a copy to Buffalo Police Headquarters on June 3, 1998, and asked the Buffalo Police Department Homicide Bureau to investigate the allegations contained therein.

6. As part of their investigation it is my understanding that a photo array was shown to Jacqueline Bradley in June of 1998.

7. The detectives involved reported that Bradley affirmatively eliminated Constance Ferguson as the driver of the car used in the Means homicide.

  
LAWRENCE M. SCHWEGLER

Subscribed and sworn to before me  
this ~~30th~~ day of August, 2000.

  
J. MICHAEL MARION  
Notary Public, State of New York  
Qualified in Erie County  
My commission expires on Jan. 21, 2001.